

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCOTT OLSON, as the Personal
Representative of the Estate of Cathy
Jo Bettisworth,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,
formerly known as Burlington
Northern and Santa Fe Railway
Company,

Defendant.

8:17-CV-491

MEMORANDUM AND ORDER

This matter is before the Court on the parties' objections to designated deposition testimony. [Filing 161](#).

TESTIMONY FROM MEDICAL PROVIDERS.

Anees Arshad, M.D.

Plaintiff's Objections

16:3-9, 12 Sustained, foundation.¹

17:2-6 Sustained, foundation.

18:15-17 Sustained, foundation.

Defendant's Objections

25:1-5 Sustained unless the answer found at 25:7-9 is also designated.

¹ Regarding the foundation objections that were sustained, there are no guarantees that some, or all, expert opinion will be received in evidence unless and until proper and sufficient foundation is laid on specific causation.

Klaus W. Wagner, M.D.

Plaintiff's Objections

17:4-17 Overruled.
17:22-23 Overruled.
18:1-16 Overruled.
19:4-15 Overruled.
23:7-16 Overruled as to duplicative of the defendant's proffered expert's testimony.
24:17-20 Overruled as to duplicative of the defendant's proffered expert's testimony.
25:1-11 Overruled as to duplicative of the defendant's proffered expert's testimony.
25:14-17 Sustained, foundation.
26:4-20 Sustained, foundation.

Defendant's Objections

33:16-23 Overruled. The defendant may designate that part of the answer not designated by the plaintiff.

Carrie Ash-Mott, M.D.

Plaintiff's Objections

21:24-22:6 Sustained, relevance.
22:22-23:16 Sustained, relevance.
25:11-26:1 Sustained, relevance.
26:10-15 Sustained, relevance.
31:24-32:11 Sustained, relevance.

Sankalp Choudhri, M.D.

Plaintiff's Objections

15:7-12 Sustained as to line 10 only, foundation.

TESTIMONY FROM LAY WITNESSES.

Dale Bettisworth

Plaintiff's Objections

28:7-13 Sustained, relevance.

32:12-23 Sustained, foundation.

89:15-23 Sustained, relevance.

Defendant's Objections

37:2-18 Overruled, allowed for context.

38:11-19 Sustained, hearsay and relevance.

43:18-23 Sustained, relevance.

45:14-46:16 Sustained, relevance and Rule 403.

50:15-20 Overruled, allowed for context.

50:24 Overruled.

52:9-16 Sustained, foundation.

53:5-11 Overruled.

54:10-55:5 Overruled.

55:15-56:9 Sustained, relevance and Rule 403.

59:18-61:10 Overruled.

72:7-11 Overruled, allowed for context.

78:2-79:11 Overruled, allowed for context.

79:12 Sustained, relevance.

85:19-23 Overruled, allowed for context.

109:10-110:23 Sustained, foundation and hearsay.

113:9-14	Sustained, relevance.
113:20-24	Sustained, relevance.
117:16-19	Overruled.
119:4-7	Overruled.
119:24-120:6	Sustained, foundation and hearsay.
120:11-13	Sustained, foundation and hearsay.
121:1-6	Overruled.
121:7-21	Sustained, relevance.
123:6-20	Overruled.
124:1-11	Overruled.
124:22-125:1	Overruled.
125:18-126:6	Sustained, form.
127:4-128:9	Overruled.

Maria A. Buckles

Defendant's Objections

14:5-7	Sustained, relevance.
22:9-23:1	Overruled.
23:2-13	Sustained, relevance.
47:24	Overruled.
50:1-4	Overruled.
52:10-22	Overruled.
62:21-63:1	Overruled.
63:2-6	Sustained, relevance.
63:7-8	Overruled.
63:9-19	Sustained, relevance.
63:20-64:16	Overruled.

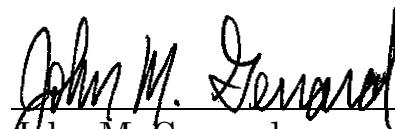
65:11-67:13 Overruled.
67:14-68:8 Sustained, form and relevance.
68:9-69:25 Overruled.
72:15-23 Overruled.
74:6-77:1 Overruled.
81:6-13 Overruled.
81:25-82:9 Overruled.
83:4-84:1 Overruled.
84:2-85:16 Overruled.
85:22-86:11 Overruled.

IT IS ORDERED:

1. The parties' objections are sustained and overruled as noted above.
2. Where objections were sustained, that testimony shall be stricken.

Dated this 24th day of August, 2021.

BY THE COURT:


John M. Gerrard
United States District Judge